

## **REMARKS**

Applicants have amended independent Claim 26 to incorporate the limitation of Claim 31. Claims 30 and 31 have been cancelled and new Claims 32-36 have been added.

The Examiner had rejected Claims 26-31 under 35 U.S.C. § 102(b) as being clearly anticipated by Ogihara et al.

Ogihara et al. discloses the preparation of a lithium cobalt ( $\text{LiCoO}_2$ ) powder. Cobalt nitrate and a lithium nitrate are dissolved in water and the solution is atomized using a PZT ultrasonic transducer. The mist is introduced into an electric furnace for drying and pyrolysis, wherein the drying temperature was set to 400°C and the pyrolysis temperature was varied from 500 to 900°C. It is also disclosed that the lithium carbonate powder synthesized by spray decomposition can be calcined at 700°C.

Applicants have amended independent Claim 26 to incorporate the limitation of Claim 31, namely the aerosol is generated using a nozzle atomizer. Support for this amendment can also be found at page 28 of the present application. Ogihara et al. does not disclose or suggest the use of a spray nozzle atomizer. As is disclosed in the present application, a spray nozzle atomizer has a higher production rate than ultrasonic atomizers, leading to better production efficiency of the powders.

New Claims 32 and 33 have also been added. Claim 32 recites that the particles have an average particle size of about 1  $\mu\text{m}$  to about 5  $\mu\text{m}$ . Support for this amendment can be found at page 42 of the present application. Further, Ogihara et al. discloses that the average particle size of the powders is about 0.56  $\mu\text{m}$ .

New Claim 33 recites that the liquid is a solution comprising manganese nitrate. Support for this amendment can be found at page 49 of the present application. Ogihara et al. does not disclose the formation of manganese containing compounds.

New Claims 34-36 recite specific battery particle compounds. Support for these claims can be found at pages 41-42 of the present application.

Applicants hereby request a three-month extension of time under 37 CFR §1.136, extending the time period for response to December 24, 2003, and enclose a check for the extension fee. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecute and or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

David F. Dockery, Esq.  
Registration No. 34,323  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

Date: December 24, 2003